

**c) Remarks**

New claims 13-17 are pending in this application. No new matter has been added. This response cancels claims 1-12 without prejudice to further prosecution.

In the Office Action, the drawings are objected to under 37 CFR 1.83(a) because they allegedly do not show a human shape as recited in claim 2. Claim 2 has been canceled, thereby obviating this objection.

The Office Action rejects claim 4 under 35 U.S.C. §112, first paragraph, for allegedly containing new matter. Claim 4 has been canceled, thereby obviating this rejection.

The present invention discloses a PET bottle comprising a base portion and an ornamental portion. Since the ornamental portion plays an important role in arousing consumer interest, it is important to protect the ornamental portion from damage during transportation. Protection of the ornamental portion is especially important when a famous character is depicted. Any damage to the ornamental portion diminishes the value of the PET bottle, and may additionally lead to a loss of consumer interest in the bottle.

The ornamental portion may be formed of a figure such as an animal including protrusions such as arms, legs and a nose, for example. If the protrusions exceed the external circumference of the base portion, then they could contact protrusions from adjacent PET bottles when stacked side-by-side during transportation in a conventional case. Such contact may damage the ornamental portions. According to the present invention, the ornamental portion is protected from damage during transportation since it is formed such that it does not exceed the external circumference of the base portion. Advantageously, this design obviates the need to employ partitions or cushions to avoid contact between ornamental portions of adjacent PET bottles during shipment.

Claim 13 recites a PET bottle comprising a base portion and an ornamental portion, wherein the ornamental portion is formed such that it does not exceed the external circumference of the base portion. The prior art references do not disclose this claim language. In view of the above, claim 13 (and claims 14-17, which depend from claim 13) are believed to be in condition for allowance.

#### **Rejections Under 35 U.S.C. § 102(b)/103(a)**

In the Office Action, claims 1 and 4-6 are rejected under 35 U.S.C. §102(b) as anticipated by Vaillencourt et al. U.S. Patent No. 5,341,946 (“Vaillencourt”). Claims 2, 3 and 7-9 are rejected under 35 U.S.C. §103(a) as unpatentable over Vaillencourt in view of JP 952570. Claims 1, 4 and 6 under 35 U.S.C. §102(b) as anticipated by Ota et al. U.S. Patent No. 5,407,086 (“Ota”). Claims 2, 3 and 7-9 are rejected under 35 U.S.C. §103(a) as unpatentable over Ota in view of JP 952570. Claim 5 is rejected under 35 U.S.C. §103(a) as unpatentable over Ota in view of Carew et al. U.S. Patent No. 6,044,996 (“Carew”). Claims 1, 4 and 6 are rejected under 35 U.S.C. §103(a) as unpatentable over Krishnakumar et al. U.S. Patent No. D426,460 (“Krishnakumar”) in view of Ota. Claim 5 is rejected under 35 U.S.C. §103(a) as unpatentable over Krishnakumar in view of Carew. Claims 2, 3 and 7-9 are rejected under 35 U.S.C. §103(a) as unpatentable over Krishnakumar in view of JP 952570.

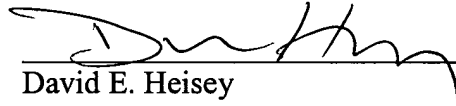
Claims 1-12 have been canceled, thereby obviating the above rejections under 35 U.S.C. §102(b) and 35 U.S.C. §103(a).

**Conclusion**

Based on the foregoing, favorable reconsideration and allowance of the claims is solicited. If necessary, the Commissioner is hereby authorized in this and concurrent replies to charge payment (or credit any overpayment) to Deposit Account No. 50-2298 for any additional fees required under 37 CFR 1.16 or 1.17.

Respectfully submitted,

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Date

  
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